CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MAY 15, 2007

INVOCATION:
Pastor Clete Doyle of First Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Administrative Services Snodgrass, Fire Chief Ortiz, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, Police Chief Macagni, Director of Community Development Lindsey, Senior Deputy City Attorney Stockton, and Chief Deputy City Clerk Perez.

PROCLAMATION – ATLETICO MADRID USA GOLD SOCCER TEAM
Mayor Lavagnino read a proclamation recognizing and congratulating Atletico Madrid USA Gold BU91 Soccer Team, a Santa Maria team formed in June 2004, and comprised of 17 youth who have won 15 tournament championships throughout California. The team has been invited to attend the Copa Chivas Guadalajara, Mexico, tournament to be held July 16th – 21st in Guadalajara, Mexico. The proclamation was accepted by Rafael Mora, Coach/Manager, and Misael Diaz, a member of the soccer team.

PRESENTATION
Students from Cal Poly-San Luis Obispo presented an overview of their proposal entitled "The Crossing at Miller and Boone," an affordable housing project design entry for the 2007 Bank of America Low-Income Housing Challenge. The proposed project would consist of 56 units on 1.2 acres on the corner of Miller and Boone Streets. Twenty-two units would be three-bedroom units with the remaining units being one- and two-bedroom units. The estimated cost of the project would be $19.1 million.

VOLUNTEER OF THE MONTH
Councilmember Zacarías presented a gift to Jerome Nicholson, the Recreation and Parks Volunteer of the Month for May 2007, for his recent efforts in organizing the Junior Modelers Fly-In Costs and Championships held at the Abel Maldonado Youth Center on Saturday, April 14, 2007, and for bringing in over 30 young men from local Boy Scout troops to participate in the fun-filled day.

PROCLAMATION – NATIONAL PUBLIC WORKS WEEK
Councilmember Orach read a proclamation declaring the week of May 20 through 26, 2007, as "National Public Works Week" in the City of Santa Maria and encouraging the residents of Santa Maria to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life. The proclamation was accepted by Dave Whitehead, Director of Public Works/City Engineer.

PRESENTATION – GEM AWARD
City Manager Ness presented the quarterly GEM (Going the Extra Mile) Award to Cindy Hoskins, Recreation Coordinator, for taking the initiative and leading the VIP Dinner, a

gala fund-raising event for the Special Olympics programs. Her leadership and organizational skills shone brightly as she led a committee of eight community members over a six-month period while still keeping her assigned duties up to date and meeting regular deadlines. Numerous sponsors were solicited and secured, silent auction items arranged, 305 paying dinner guest reservations taken, and 87 volunteers were recruited. As a result of her can-do attitude and attention to detail, the Spring 2007 fund-raiser was one of the most successful to-date.

ANNOUNCEMENTS:
Director of Community Development Lindsey announced that former Planning Commissioner Lawnae Hunter was being recognized as the Top Citizen Planner for the Central Coast of California region by the American Planning Association. The award would be presented at a dinner on June 2, 2007, at 7:00 p.m. at the Pierpont Inn in Ventura. She will be one of five other candidates competing for the State award in October.

PUBLIC COMMENT
Mary Jacka expressed disappointment regarding the Mayor's announcement that City-paid translators would no longer be provided and that the Council was willing to ignore a big part of the community.

William Tomasini, A Little Something Florist, spoke in opposition to street vendors, especially those who sell flowers on holidays. Florists depended on holiday times as a time to make a little extra money to keep them in business during the slower times. Street vendors really had a negative effect on their business.

Diane Lapham thanked the Council and Public Works Director Whitehead for the four-way stop on Hidden Pines Way and Preisker Lane. She spoke regarding a rat problem in the Santa Maria River levee. The rats were breeding in the levee and causing problems for the residents of Riverside Estates. She also requested a "Riverside Estates" sign be installed at the entrance of the development and announced that some of the residents were willing to donate money toward the sign or landscaping.

Martha Garcia spoke about the need to have Spanish interpreters at City Council meetings. The Latinos contribute to the local economy, and it is important for them to have an interpreter so they can understand what is being said at the meetings.

Dr. Angela Caballeno de Cordero expressed concern about the lack of interpreters at City Council meetings. She works with the English As a Second Language students at Allan Hancock College, and they are working very hard to participate in the community and become active citizens.

Nancy Rico spoke about the termination of translation services at City Council meetings without proper procedure and the need to provide a means for the Spanish-speaking community to participate in their government.

Gabriel Valencia, President of MAPA, spoke about the Cinco de Maya day at Preisker Park. He said English was not an easy language to learn and it was difficult for the farm workers to attend classes.

Jose Luis Castellanos thanked Police Chief Macagni for the town hall meeting regarding the problems in Santa Maria with gang violence, immigration, and other issues. Chief Macagni reached out to the Spanish community by having translators present. The City should be willing to pay the price for translators so the people in the community could understand.

Mary Delgado asked when and how the City began offering bilingual services. She said it was poor planning to stop translation services so abruptly. She also expressed concern about the lack of time to request a translator after the agenda was posted. She asked the Council to continue translation.

Yolanda Salas asked the Council to provide an interpreter at the Council meetings who could translate for the Mexicans so they could understand the laws that were enacted.

Tom Lopez announced that he was working with a group of community members to have translators available on a voluntary basis so the Spanish-speaking community could be self-sufficient in providing translation services for themselves. He and John Everett were working together to find people who could provide translation services and asked the members of the audience to join them.

Dave Ericson stated the Downtown Specific Plan looks to the mall and the new Galaxy Theater to be a catalyst to get the downtown going. The City was already subsidizing the Mall by $3.3 million to pay off the debt for the parking structure as well as maintaining the grounds and security. If the Galaxy Theater was successful, it would require more clean up and more security and, would, hopefully, provide more revenue for the City. He talked about the property the City sold to the Mall for $10 for the Gottschalk's expansion and the Galaxy Theater and asked why the City was subsidizing the mall.

Pedro Paez Navarro thanked the volunteer translators who were trying to help the community. He talked about the Neighborhood Watch program. There is a nuclear power plant in the proximity, and the Latino community did not know what to do if there is a major catastrophe. He asked that the Neighborhood Watch classes include what to do in the event of a disaster.

Kent Epperson, Director of Traffic Solutions, announced that the Team Bike Challenge was coming up in June and encouraged the City Council to participate. To participate in the Team Bike Challenge five individuals need to form a team, register and log the number of trips they ride by bike instead of by car. The more miles they log, the more prizes they will earn. This year they hope to log 240,000 miles during the month of June.

Mayor Lavagnino thanked the members of the audience who spoke for being extremely civil, for their patience, and for being such a good group of Santa Marians. He thanked John Everett and Tom Lopez for their efforts in organizing a group of volunteer translators and for translating for the Spanish-speaking people in the audience.

Councilmember Trujillo stated this was another example where successful people in the community volunteered to help the City and came up with a good solution.

CONSENT CALENDAR
Councilmember Trujillo requested Item 3G be pulled for comment. Councilmember Patino requested Item 3L be pulled for comment.

Item 3G – Notice of Completion for the Williams Street Storm Drain Project
Councilmember Trujillo commended the Public Works Department for their work on this project. This was another example of all the work being done in the City to upgrade the City's infrastructure.

Item 3L – Used Oil Recycling Block Grant
Councilmember Patino said these grants had an impact on the community because there was an increasing number of residents who took their used oil to the Household Hazardous Waste facility and other collection facilities instead of pouring it on the ground.

Consent Calendar Items A through L were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of May 1, 2007, were approved as submitted.

C. WARRANTS
Warrant Nos. 134306 to 134539 in the amount of $2,190,276.11 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 130218 was canceled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. MINI-SEAT BELT GRANT
Resolution No. 2007-64 was adopted authorizing the appropriation of $24,993.58 to be allocated to the Santa Maria Police Department under the provisions of the Office of Traffic Safety, California Seat Belt Compliance Program for a Mini-Seat Belt Grant.

Resolution No. 2007-64 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE OFFICE OF TRAFFIC SAFETY'S CALIFORNIA SEAT BELT COMPLIANCE PROGRAM.

F. ORDINANCE NO. 2007-06
Council conducted the second reading of Ordinance No. 2007-06 revising the Growth Mitigation program project list and fees and adopted the ordinance.

Ordinance No. 2007-06 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SETTING/REVISING THE 2005 GROWTH MITIGATION FEES.

G. NOTICE OF CONTRACT COMPLETION
Council approved the Notice of Contract Completion for Williams Street Storm Drain and Street Improvement Project – McClelland to School Street, Bid No. 2006/02 and directed the Chief Deputy City Clerk to record same.

H. SUBDIVISION MAP AND AGREEMENT
Resolution No. 2007-65 was adopted approving the Subdivision Map and Agreement for Celebration, Tract 5921, generally located on the western frontage of Miller Street east of McClelland Street, south of Inger Drive, and north of Daniel Drive.

Resolution No. 2007-65 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR CELEBRATION, TRACT 5921.

I. CALL FOR BIDS
Council gave approval to Call for Bids on the plans and specifications for River Oaks Observation Deck, Bid No. 2007/06.

J. ANNEXING AND ASSESSING PROPERTIES
Resolution Nos. 2007-66, 2007-67, and 2007-68 were adopted annexing and assessing five parcels into the Northeast, Southwest and South Miller Street/South College Drive Landscape and Lighting Districts.

Resolution No. 2007-66 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO SHEPARD SURGICAL CENTER LOCATED IN THE NORTHEAST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2007-67 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO FAIRWAY INDUSTRIAL PARK, USA GAS STATION AND MINI-MART, AND PARKLAND COTTAGES LOCATED IN THE SOUTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2007-68 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO NEWLOVE GARDENS LOCATED IN THE SOUTH MILLER STREET/SOUTH COLLEGE DRIVE LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

K. 2007/08 ENGINEER'S REPORTS

Resolution No. 2007-69 was adopted approving 2007/08 Engineer's Reports for the City's four Landscape Maintenance Districts and 17 Special Benefit Zones and Resolution No. 2007-70 was adopted stating the Council's intent to levy and collect assessments and setting a date for a public hearing to be held on July 17, 2007.

Resolution No. 2007-69 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR ASSESSMENT PROCEEDINGS.

Resolution No. 2007-70 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON FOR THE FOUR LANDSCAPE MAINTENANCE DISTRICTS AND THE SEVENTEEN SPECIAL BENEFIT ZONES.

L. USED OIL RECYCLING GRANT

Resolution No. 2007-71 was adopted authorizing the City to apply for multi-year blanket applications for used oil recycling block grant funds pursuant to the California Oil Recycling Enhancement Act.

Resolution No. 2007-71 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING MULTI-YEAR BLANKET APPLICATIONS FOR USED OIL RECYCLING BLOCK GRANT FUNDS.

Mayor Lavagnino took the items out of order and moved Naming a City Park for James "Jim" May forward on the agenda.

NAMING A CITY PARK.

Director of Recreation and Parks Posada gave the staff report. The City Council is asked to consider placing James "Jim" May's name to the resource list from which the City Council may select names for facilities, and adopt a resolution designating the City park at River Oaks as James "Jim" May Park. With the recent passing of Former Councilmember James "Jim" May, staff has researched the contributions and impact that Mr. May had upon the community, specifically in the areas of youth and leisure. Mr. May meets the established criteria to be added to the resource list from which names are selected for city parks and facilities. Mr. May served as a City Councilmember from 1984 to 1988 and as a Planning Commissioner from 1989 to 1995. Mr. May was also a leader and innovator with community groups such as the Boy Scouts of America and the Santa Maria Valley Pioneer Association. The creation of Pioneer Park and the Santa Maria Boy Scout Service Center at the Santa Maria Public Airport can all be directly attributed to Mr. May's commitment to improving life in the Santa Maria Valley.

Naming a City facility in Mr. May's honor will be a fitting tribute to a man that was actively involved in improving Santa Maria. In addition to naming River Oaks Park the James "Jim" May Park, a commemorative plaque will be placed at Pioneer Park in coordination with the Pioneer Park Foundation. He displayed colored renderings of the plaques that would be placed at Pioneer Park and River Oaks Park.

Harrell Fletcher spoke about Jim May and all the contributions he made to the community.

Mayor Lavagnino and Councilmembers also talked about their encounters with Jim May over the years and the lasting impact he made on the community.

Resolution No. 2007-73 was adopted adding James "Jim" May's name to the resource list from which to name City facilities, and naming the City park at River Oaks the James "Jim" May Park on motion by Councilmember Patino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-03 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, NAMING THE CITY PARK AT THE RIVER OAKS DEVELOPMENT AS "JAMES 'JIM' MAY PARK", HONORING JAMES "JIM" MAY.

ZONING TEXT AMENDMENT TO CHAPTER 32 OF TITLE 12, OF THE MUNICIPAL CODE PERTAINING TO THE OFF-STREET PARKING REQUIREMENT IN THE ORIGINAL FOUR SQUARE MILES OF THE CITY.

Community Development Director Lindsey gave the staff report. The City Council is asked to consider a recommendation from the Planning Commission regarding a negative declaration and an ordinance amending Section 12-32.07A(c) of Chapter 32 of Title 12 of the Municipal Code (Zoning Regulations) pertaining to the off-street parking requirement in the "original" four square mile ordinance by modifying the maximum lot area for exemption qualification from fifteen thousand (15,000) square feet to twenty thousand (20,000) square feet. Currently, an applicant who desires to expand a legal non-conforming commercial building is required to bring the entire site up to current zoning standards. In the older parts of the City where commercial buildings are located on small lots, it is difficult or impossible to apply current standards. Parking is often the most difficult to meet. The four square mile parking exception allows property owners to expand their commercial buildings without meeting current parking standards if they are located within the original four square miles of the City and are located on a lot no larger than 15,000 square feet in area. In exchange, the City asks for the applicant to choose five of seven additional improvements to the front portion of the buildings to better encourage pedestrian access to and/or the aesthetics of the site. The proposed amendments would increase the square footage allowable under the exemption to 20,000 square feet. On April 18, 2007, the Planning Commission held a duly advertised public hearing and adopted Resolution No. 2462 recommending the City Council file a Negative Declaration of Environmental Impact for E-2007-013 and Resolution No. 2463 recommending the City Council adopt an ordinance amending Chapter 32 of Title 12 of the Santa Maria Municipal Code.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2007-72 was adopted approving a Negative Declaration of Environmental Impact on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-72 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DIRECTING THE FILING OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR ZONING TEXT AMENDMENT, Z-2007-002, E-2007-013.

Ordinance No. 2007-07 amending Section 12.32.07A(c) of the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-07 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A TEXT AMENDMENT TO TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, Z-2007-002, E-2007-013.

ANNUAL TECHNICAL AMENDMENTS AND OTHER AMENDMENTS TO THE SANTA MARIA MUNICIPAL CODE.

Senior Deputy City Attorney Stockton gave the staff report. The City Council is asked to consider a proposed ordinance making various technical amendments to the Santa Maria Municipal Code. Since 2000, the City Attorney's office has collected a list of Municipal Code provisions that work ineffectively for technical reasons. The proposed amendments will: Update Section 1-0.07(f) of the Code to provide for attorney's fees in accordance with state statute; revise Section 1-7.02, the list of who can issue citations to appear in court, by adding Fire Prevention Inspectors to the list; change Title 2, Chapter 20, (the City's personnel ordinance) to update terminology, reflect current practices and accommodate 32-hour positions; update the requirements for making liability claims in Title 2, Chapter 26; update the City's business licensing ordinance in Section 4-1.27 to correspond with the software program currently used for business licensing; revise Section 4-3.345 to require 10-days' advance application for a circus permit; revise Article 11 of Chapter 3 of Title 5 to regulate the permissible number of fowl in a residential area using a specified nuisance standard; amend Section 7-10.18 to provide that violations of the bicycle ordinance are infractions; provide in Section 8-6.05 that no person may create a water nuisance on public property, to address problems associated with residential irrigation "weeping" onto the public sidewalk; update definitions and permissible device types in the cross-connection ordinance, Title 8, Chapter 10A, to provide additional flexibility with no loss of potability; and update and clarify terminology in the City's amendments to the Fire Code, Section 9-3.05, pertaining to the name of the code and fireworks administration and enforcement. She submitted a list of minor changes that were necessary to the proposed ordinance and asked the Council to include those in any motion to approve the ordinance.

In addition, the City Council is asked to consider an ordinance updating the City's parade regulations and an ordinance updating the City's massage regulations. The proposed parade ordinance would substitute new regulations for outdated provisions of the Municipal Code. The City's parade ordinance was last updated in 1975 as part of the City's business licensing regulations. Since the City of San Luis Obispo recently updated and received court and American Civil Liberties Union approval of its parade ordinance, staff used that ordinance as a model. Specifically, the proposed ordinance will: Define parades and assemblies; with stated exceptions, including funerals because of preemptive state law, require permits for parades and assemblies; require detailed permit applications to be submitted by an applicant to the City Manager two or three days before the event; require prompt City Manager approval or denial, with notice, according to specified criteria; prohibit discrimination; specify detailed contents

of a permit; require applicants to pay City costs of the parade, but only insofar as the Council establishes those costs in advance; prohibit interference; and include prohibitions and a violation/penalties and severability clause.

The proposed massage ordinance would update the City's massage regulations to address enforcement concerns raised by the Police Department. The City's current regulations are over 20 years old and do not allow the police to take effective action against businesses serving as fronts for prostitution rings. The proposed ordinance will: Divide administration of the ordinance between Administrative Services and Police Departments; define terms; with some exceptions, require permits for massage practitioners which would set a high standard for receipt of a permit (i.e., certification by the National Certification Board for Therapeutic Massage and Bodywork which includes 500 hours of training); provide for temporary permits of up to two years to allow practitioners with 250 hours of instruction to become nationally certified; provide for permit revocation; initiate a separate system of permitting for massage establishments and services, containing health and safety requirements for structures and operations; assign responsibility for obtaining permits to various persons; provide for revocation of these permits; describe authority for conducting inspections of massage establishments; provide for hearings, administrative rules, enforcement, and administration of any existing permits; and state the Council's intention that any invalid portion of the ordinance be severable.

Councilmember Zacarías asked about the fowl provision in the Technical Amendment ordinance and said she understood that no fowl were allowed.

Senior Deputy City Attorney Stockton replied it was based on a nuisance standard. She said it was directed at persons having so many fowl that the bird droppings caused an offensive odor for the neighbors. At least three neighbors would be required to sign a petition that a nuisance existed.

Councilmember Zacarías stated one of the things that made this ordinance different from the current ordinance was that it now addressed assemblies as well as parades. She said she was satisfied that there was nothing in the Parade and Assembly ordinance that could be interpreted as a barrier to people exercising their First Amendment freedoms. She commended the City Attorney's office for building on a successful program from San Luis Obispo.

Vibiana Saavedra expressed concern that this item was not listed on the agenda as a parade and assembly ordinance and that the report did not identify what was required by law and what was included based on City practice. She said nowhere in the ordinance did it specify that the City was providing for First Amendment rights. She read from the City of Santa Barbara's ordinance.

Senior Deputy City Attorney Stockton explained that she felt the City's proposed ordinance was much simpler. It was true that the ordinance did not refer specifically to First Amendment rights to free expression. If that was included, the ordinance would have to define what was meant in order to avoid a vagueness challenge. Staff tried to define the conduct of having a parade or an assembly.

City Attorney Trujillo stated he worked for the City of Santa Barbara's City Attorney Office and the City of San Luis Obispo's City Attorney Office when the parade ordinance was challenged by Mardi Gras. Santa Barbara's ordinance was not one he would model an ordinance after. The First Amendment issue was entirely built into the proposed ordinance because it did not distinguish based on the content of the speech.

Vibiana Saavedra asked about the prohibitions for carrying signs over 1/4 inch in thickness.

Senior Deputy City Attorney Stockton explained the requirement.

Vibiana Saavedra also asked about the provision for interference with the parade or assembly. She said it made it difficult for people who wanted to join in. She asked for wording that said the organizers were not responsible for people who just join in.

Senior Deputy City Attorney Stockton explained the intent of that provision was to support people who were holding parades and assemblies and had gotten permits to do so. It prevented people the permitee would not want to participate in the event from disrupting the event.

Vibiana Saavedra also expressed concern that the fees for a permit were not listed.

Senior Deputy City Attorney Stockton explained there was a provision in the ordinance for the Council to set fees by resolution for traffic control and other costs. That is another step to be taken at a later date.

Ordinance No. 2007-08 as amended making technical amendments to the Municipal Code was introduced by title only and continued to the next regular meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Orach and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-08 introduced. A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO ATTORNEY'S FEES, CITATION FOR VIOLATION, PERSONNEL, CLAIMING, BUSINESS LICENSES, ITINERANT SHOWS, DOMESTIC FOWL NUISANCE, BICYCLES, STANDING WATER NUISANCE, CROSS CONNECTIONS, AND FIREWORKS.

Ordinance No. 2007-09 updating the City's parade and assembly regulations was introduced by title only and continued to the next regular meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-09 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 8-4 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO PARADES AND ASSEMBLIES.

Ordinance No. 2007-10 updating the City's massage regulations was introduced by title only and continued to the next regular meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-10 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REPEALING SUBSECTION (d) OF SECTION 4-3.362 AND SUBSECTIONS (b), (c), AND (d) OF SECTION 4-3.326 OF, AND ADDING CHAPTER 4-18 TO, THE SANTA MARIA MUNICIPAL CODE, REGULATING MASSAGE.

CITY MANAGER'S REPORT
City Manager Ness reported on items for the June 5, 2007, City Council meeting including a discussion of the Daytime Anti-Loitering Ordinance which is due to sunset in August, a zone change and tentative tract map for Newlove Gardens, a consultation on uses and zoning for Sphere Area 9, and the General Plan Annual Report.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Trujillo announced there would be a Memorial Day barbeque at Pioneer Park for Veterans and active military personnel.

Councilmember Patino reported on the National Day of Prayer events at the Fairpark on May 9th and the kick-off for the Elks Rodeo on May 12th.

Councilmember Zacarías thanked property owner George Smith on behalf of the Cal Poly students for his assistance in working with the students on their low-income housing project. She also thanked Ben Kimball from the Community Development Department for his support with the project.

Councilmember Zacarías reported on her attendance at the Multi-Jurisdictional Solid Waste Task Force meeting where the City was able to highlight the textile recycling program in Santa Maria.

Councilmember Zacarías also stated she was appreciative of the dialog that took place in support of Spanish translation, and she looked forward to working toward a solution.

Councilmember Orach reported on the Good Samaritan Shelter fund raiser on Sunday at Hagerman Field with Team Lavagnino taking on Team Dewees from Lompoc. Also, the event to honor Jim May would be on May 26th at 11:00 a.m. at Pioneer Park.

CLOSED SESSION
Council recessed to Closed Session at 8:45 p.m. for Conference with Labor Negotiator pursuant to Section 54957.6 of the Government Code; Agency representative: Assistant City Manager; Employee organization: Santa Maria Police Officers Association (SMPOA), Public Safety Managers, and Non-represented Management and Confidential Employees.

After the Closed Session, the following was announced:

Conference with Labor Negotiator: SMPOA – Status report provided. No reportable action taken.

Conference with Labor Negotiator: Public Safety Managers – Direction to staff was given.

Conference with Labor Negotiator: Non-represented Management and Confidential Employees - This portion of the item was withdrawn from the agenda.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 9:09 p.m.

APPROVED

June 5, 2007
Date

ATTEST

Chief Deputy City Clerk

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria